

(D)

LAWS OF THE INDIES: ORDINANCES OF 1573

Ordinances of 1573 that pertain to:

Selecting an area with good land, water, etc.

#34. In order to populate those areas that are already discovered, pacified, and under our mandate, as well as areas that might be discovered and pacified in the course of time, the following sequence should be adhered to: choose the province, county, and place that will be settled, taking into consideration the health of the area, which will known from the abundance of old men or of young men of good complexion, natural fitness and color, and without illness; and in the abundance of healthy animals of sufficient size, and of healthy fruits and fields where no toxic and noxious things are grown, but that it be good climate, the sky clear and benign, the air pure and soft, without impediment or alterations and of good temperature, without excessive heat or cold, and having to decide, it is better that it be cold.

#35. And they should be in fertile areas with an abundance of fruits and fields, of good land to plant and harvest, of grasslands to grow livestock, of mountains and forests for wood and building materials for homes and edifices, and of good and plentiful water supply for drinking and irrigation.

#36. And that they should be populated by Indians and natives to whom we can preach the gospels since this is the principal objective for which we mandate that these discoveries and settlements be made.

#39. The site and position of the towns should be selected in places where water is nearby and where it would be possible to demolish neighboring towns and properties in order to take advantage of the materials that are essential for building; and, [these sites and positions should be suitable] also for farming, cultivation, and pasturation, so as to avoid excessive work and cost, since any of the above would be costly if they were far.

#40. Do not select sites that are too high up because these are affected by winds, and access and service to these are difficult, nor in lowlands, which tend to be unhealthy; choose places of medium elevation that enjoy good winds, especially from the north and south, and if there were mountains or hills, these should be in the west or in the east, and if there should be a need to build in high places, do it in areas not subjected to fogs; take note of the terrain and its accidental features and in case that there should be a need to build on the banks of a river, it should be on the eastern bank, so when the sun rises it strikes the town first, then the water.

#99. Those who have made a commitment to build the said town, who after having succeeded in carrying out its settlement, as an honor to them and to their descendants [and in] their laudable memory as founders, we pronounce them *hijosdalgo* [illustrious men of known ancestry]. To them and to their legitimate heirs, in whatever place they might reside or in any other part of the Indies, they will be *hijosdalgo*, that is, persons of noble ascendancy and known ancestry.

LAWS OF THE INDIES: ORDINANCES OF 1573

Ordinances of 1573 that pertain to:

Selecting an area with good land, water, etc.

#43. Having selected the area, province, and site where the new settlement is to be built, and having established the existing opportunities for development, the governor in whose district [the site] is or borders upon should decide whether the site that is to be populated should become a city, town, or village settlement. In compliance with his decision, it should form a Council [and] commonwealth [república] and name corresponding officials and members in accordance with stipulations in the "Book of the Republic of Spaniards" {Libro de la República de Españoles}. Thus in case it were to become a metropolitan city, it should have a judge with title and name of adelantado [title often given to the governor of a province, probably interim governor], or governor, or principal mayor; a corregidor, or ordinary mayor, who would have insolidum jurisdiction and who jointly with the regiment would carry on the administration of the commonwealth [with the help also of] three officers of the Royal Exchequer [Hacienda Real], twelve magistrates [regidores], two executors, two jurors for each parish, one general procurer, one scribe of the Council, two public scribes [one for mines, another for registers], one main town crier, one broker for commercial transactions, two ushers to diocesan or suffragan bishops, eight [lower] magistrates, and other such essential officials. For the towns and villages, [there should be] an ordinary mayor, four magistrates, one constable, one scribe for the Council and a public scribe, and a majordomo.

#89. The persons who were placed in charge of populating a town with Spaniards should see to it that, within a specified term, assigned for its establishment, it should have at least thirty neighbors, each one with his own house, ten cows, four oxen or two oxen and two young bulls and a mare, and it should have [also] a clergyman who can administer sacraments and provide the ornaments to the church as well as the necessary implements for the divine service; if this is not accomplished, he should lose everything already built or formed and he will incur a fine of a thousand gold pesos.

#111. Having made the selection of the site where the town is to be built, it must, as already stated, be in an elevated and healthy location; [be] with means of fortification; [have] fertile soil and with plenty of land for farming and pasturage; have fuel, timber, and resources; [have] fresh water, a native population, ease of transport, access and exit; [and be] open to the north wind; and, if on the coast, due consideration should be paid to the quality of the harbor and that the sea does not lie to the south or west; and if possible not near lagoons or marshes in which poisonous animals and polluted air and water breed.

From: Laws of the Indies, from PlanningWiki, http://planningwiki.cyburbia.org/Laws_of_the_Indies.

LAWS OF THE INDIES: ORDINANCES OF 1573

Ordinances of 1573 that pertain to:

Given the title of Hijosdalgo

#99. Those who have made a commitment to build the said town, who after having succeeded in carrying out its settlement, as an honor to them and to their descendants [and in] their laudable memory as founders, we pronounce them hijosdalgo [illustrious men of known ancestry]. To them and to their legitimate heirs, in whatever place they might reside or in any other part of the Indies, they will be hijosdalgo, that is, persons of noble ascendancy and known ancestry.

#2. Those who are in charge of governing the Indies, whether spiritually or temporally, should inform themselves diligently whether within their districts, including lands and provinces bordering them, there is something to be discovered and pacified, of the wealth and quality, [and] of the peoples and nations who inhabit there; but do this without sending to them war personnel nor persons who can cause scandal. They [the governors] should inform themselves by the best means available; and likewise, they should obtain information on the persons who are best suited to carry out discoveries - and with those who are best fit for this purpose, they [the governors] should inform themselves by the best means available; and likewise, they should obtain information on the persons who are best suited to carry out discoveries -and with those who are best fit for this purpose, they [the governors] should confer and make arrangements, offering them the honors and advantages that justly, without injury to the natives, can be given them -and- before carrying out what has been arranged or has been learned, give narratives to the viceroy and the audiencias and also send them to the Council, which, after looking at the case, will issue a license to proceed with the discovery, which should be carried out in the following order:

From: Laws of the Indies, from PlanningWiki, http://planningwiki.cyburbia.org/Laws_of_the_Indies.

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LAWS OF THE INDIES: ORDINANCES OF 1573

Ordinances of 1573 that pertain to:
Naming of discovered lands, provinces, rivers, etc.

#14. Once the discoverers arrive at newly discovered provinces or lands, together with the officials, they should name each land, each province, and the mountains and principal rivers they might encounter as well as the settlements and towns they might find or that they may begin.

Ordinances of 1573 that pertain to:
Perform ceremonies and writs in taking possession of lands

#13. Persons who participate in discoveries, whether by land or by sea, should take possession, in our name, of all lands and provinces they might reach and, upon setting foot on to land, perform the necessary ceremonies and writs, thus providing public evidence and faithful testimony.

Ordinances of 1573 that pertain to:
Vassalage of Indians

#3. Having made, within the confines of the province, a discovery by land, pacified it, [and] subjected it to our obedience, find an appropriate site to be settled by Spaniards- and if not, [arrange] for the vassal Indians so they be secure.

From: Laws of the Indies, from PlanningWiki, http://planningwiki.cyburbia.org/Laws_of_the_Indies.

Case: 6:69-cv-07941-BB

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EXHIBIT

L

- Maps and photos of archaeological excavation at San Gabriel de Yungue
 - San Gabriel Del Yungue as seen by an Archaeologist
 - by Florence Hawley Ellis
 - 1989

SAN GABRIEL del YUNGUE

AS SEEN BY AN ARCHAEOLOGIST

In 1598, the Spanish conquistador, Don Juan de Oñate, founded the first capital of New Mexico in an old Indian settlement on the west bank of the Rio Grande river. This colony and others prospered until, years later the Indians revolted, destroying this village which was then lost for centuries. But, in 1959, Florence Hawley Ellis, a famous pioneer anthropologist, was asked by San Juan Indian Pueblo to excavate a ruin on their reservation, an unheard of request as Pueblos usually denied permission for excavations on their lands. A badly corroded Spanish archer's helmet had been found by an elder who was digging adobe clay. They wanted to know what "they had." Her work returned San Gabriel del Yungue — the Spanish name for the first capital of New Mexico — and its five domed ovens, the first built in this land, to their rightful place on the map. This book is the story of that awakening.

ABOUT THE AUTHOR:

Florence Hawley Ellis, PhD, is famous for her extensive excavations and related research in ethnology, tree-ring dating, and pottery analysis. Her excavations include areas in Chaco Canyon, and along the Chama, Rio Grande and Jemez river valleys as well as elsewhere in the Southwest. She has published over 300 articles and monographs. Dr. Ellis was trained at the University of Arizona and University of Chicago where she received her Doctorate in Anthropology in 1934. She is Emerita of the University of Arizona and New Mexico where she taught. She has received numerous awards including an Honorary Doctorate of Letters from the University of New Mexico in 1987. She is active as Director of the Florence Hawley Ellis Museum and of the Archaeological Field School at Ghost Ranch, near Abiquiu, New Mexico.



The author sitting on one of the walls of San Gabriel at the time of the excavation.

ON THE COVER: Remains of wall structures at San Gabriel del Yungue.



Sunstone Press
Santa Fe, New Mexico

ISBN: 0-86534-129-X

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SAN GABRIEL DEL YUNGUE

AS SEEN BY AN ARCHAEOLOGIST

FLORENCE HAWLEY ELLIS

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Aerial view of entire Yungue site



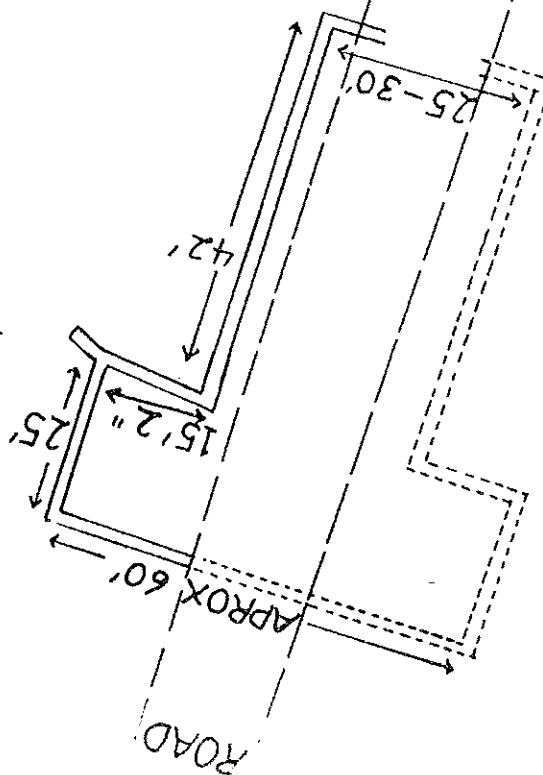
Panorama of Yungue site



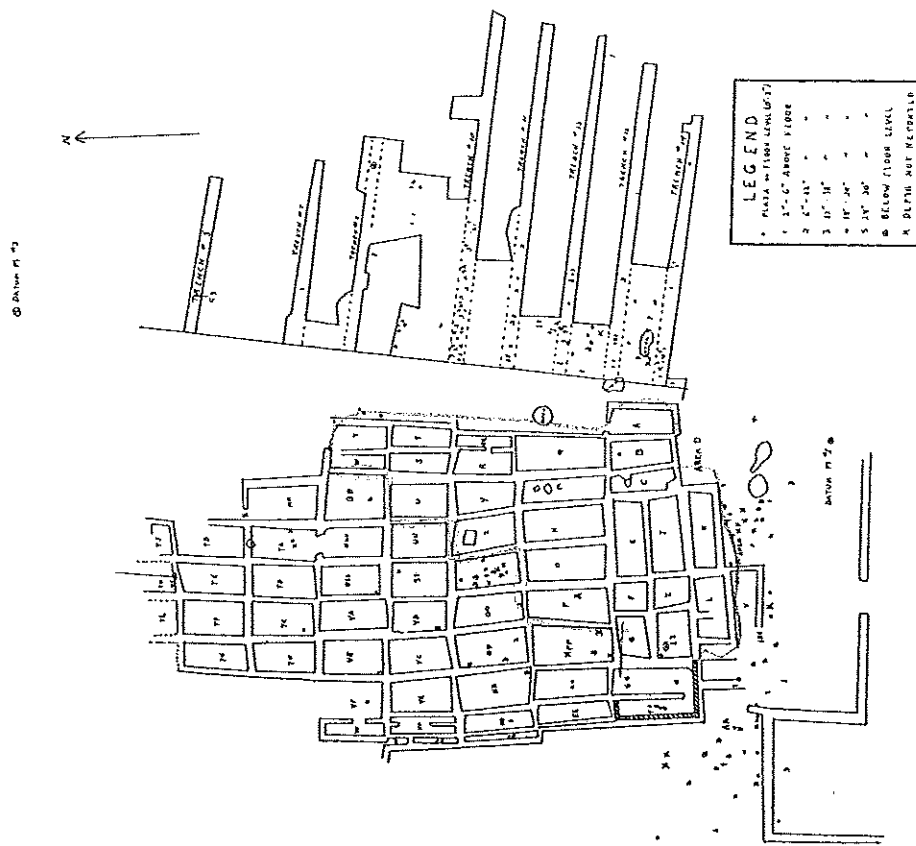
Corner of Church foundation



N ←



The San Miguel Church at San Gabriel del Yungue



Distribution of Metal at Yungue — Summer, 1962

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EXHIBIT M

- Map of San Gabriel, Yungue-Yungue, Chamita, San Francisco
 - The Ethnogeography of the Tewa Indians
 - by John Peabody Harrington
 - 1916

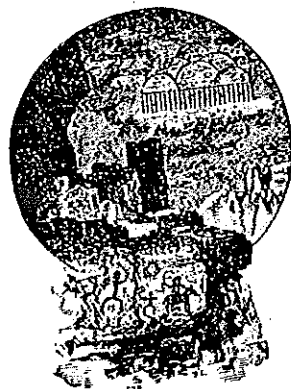
THE ETHNOGEOGRAPHY OF THE TEWA INDIANS

BY

JOHN PEABODY HARRINGTON

EXTRACT FROM THE TWENTY-NINTH ANNUAL REPORT
OF THE BUREAU OF AMERICAN ETHNOLOGY

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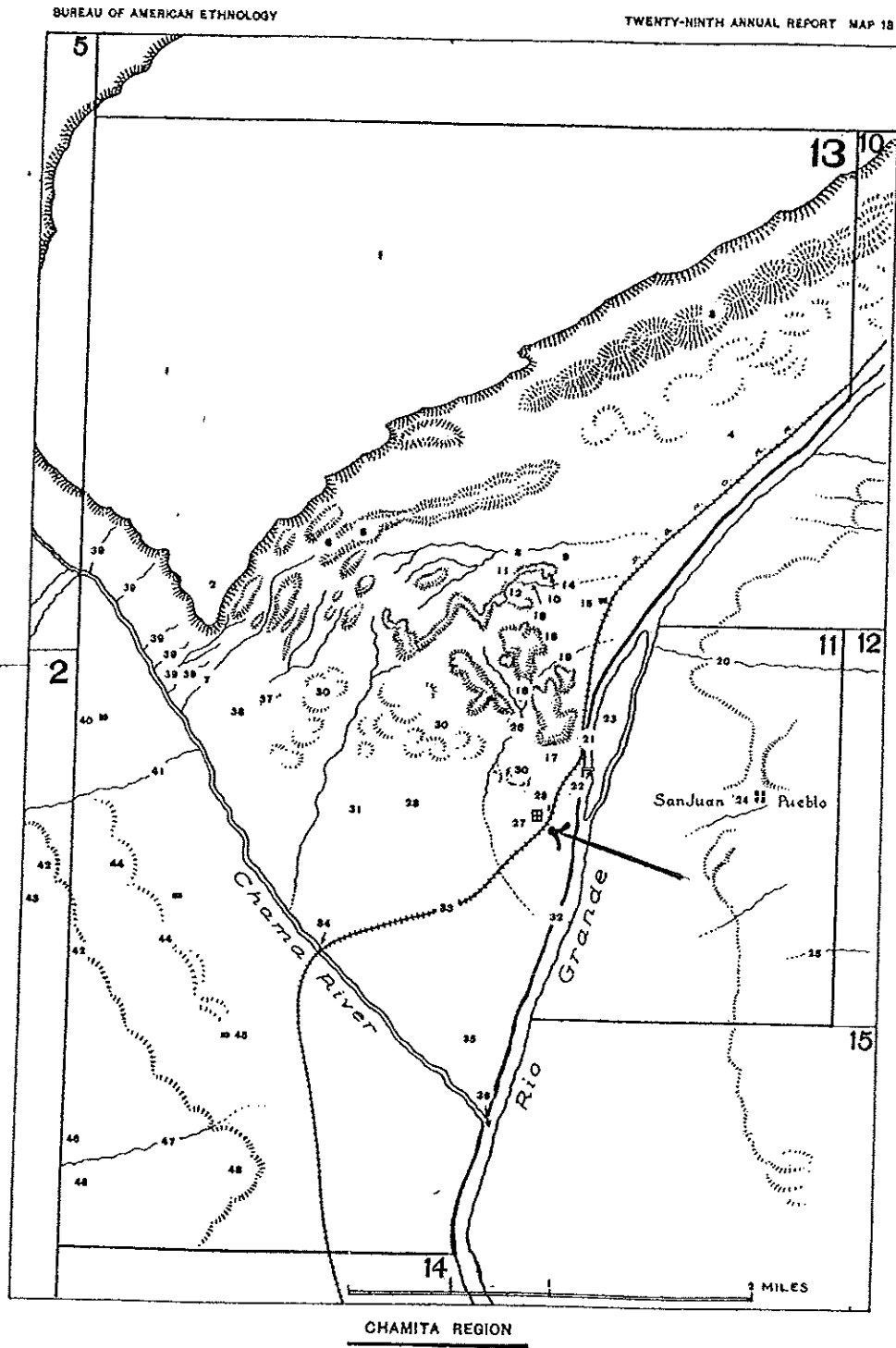


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1916

[13] CHAMITA SHEET

The area shown on this sheet (map 13) lies about the confluence of the Chama and Rio Grande, west of San Juan Pueblo [13:24]. Canoe Mesa [13:1] occupies the upper part of the sheet. The whole of the area shown was formerly claimed and occupied by the San Juan Indians.

The entire region west of San Juan Pueblo, west of the Rio Grande, is called 'Ot'qnnæ 'on the other side' ('ot'qnnæ unexplained; næ locative) by the San Juan Indians. They use also the Span. name Chamita, as do Mexicans and Americans, to indicate the territory west of the Rio Grande, west of San Juan. Chamita is more strictly the name of the Mexican settlement [13:28].



- [13:23] San Juan *Pojavi*, see [11:9].
- [13:24] San Juan Pueblo, see under [11], page 211.
- [13:25] San Juan *Pute'iykq*, see [12:20].
- [13:26] San Juan *Desiwikohu'u* 'stinking coyote gap barranca arroyo' (*Desiwi'i*, see [13:18]; *kohu'u* 'barranca arroyo' < *kq* 'barranca,' *hu'u* 'large groove' 'arroyo').
- [13:27] (1) San Juan *Junge'qywi'keji* of obscure etymology (*junge* means clearly enough 'down at the mocking bird place' < *jwng* 'mocking bird', *ge* 'down at' 'over at,' just as the name of the pueblo ruin *P'i'oge* [9:48] means 'down at the place of the woodpecker' and that of the pueblo ruin *Tsirege* [17:34] means 'down at the place of the bird'; but although the San Juan informants agree that this is unquestionably the meaning, they state that when they use the word they never think of a mocking bird or of any etymology at all; 'qywi'keji' 'pueblo ruin' < 'qywi' 'pueblo,' *keji* 'ruin' postpound). The forms quoted below from various sources are intended for *Junge'qywi'ge* (*ge* 'down at' 'over at'): "Yuqueyunque."¹ This is a poor spelling, indeed. The writer may have been influenced by Span. *yunque* 'anvil' < Latin *incus* 'anvil.' "Yuque-Yunque" are the *Tehuas* [Tewa], north of Santa Fé."² "Yuque-yunque, or Chamita."³ "Yuque-yunque."⁴ "Yunque is but a contraction of Yuge-uingge. Escalante says, in *Carta al Padre Morfi* [April 2, 1778], par. 2: 'Una Villa de Españoles, que era de San Gabriel del Yunque, primero y despues de Santa Fé.'"⁵ *Junge* is not a contraction but a portion of the name *Junge'qywi'ge*. London would hardly be called a contraction of London town. "Yuqueyunk."⁶ "Yuqui Yanqui."⁷ "Ynqueyunque."⁸ "Juke-yunque."⁹ "Yunque."¹⁰ "Yuge-uingge."¹¹ "Yuge-uing-ge."¹² "Yugeuinge."¹³ "Yun-que."¹⁴ "Yugeuingge (Tewa: 'village of the ravine')."¹⁵ This etymology cannot be correct. It is based on *jy* 'to pierce.'
- (2) Span. "Sant Francisco de los Españoles."¹⁶

¹ Castañeda (1596) in *Fourteenth Ann. Rep. Bur. Amer. Ethn.*, p. 525, 1896.

² Bandelier (quoting Castañeda), *Historical Introduction*, pp. 23-24, 1881.

³ Bandelier, *Final Report*, pt. II, p. 31, 1892.

⁴ *Ibid.*, p. 61, note.

⁵ *Ibid.*, p. 60, note.

⁶ Gallatin in *Trans. Amer. Ethn. Soc.*, III p. lxxi, 1848.

⁷ Kern in Schoolcraft, *Ind. Tribes*, IV, map, pp. 38-39, 1854.

⁸ Davis, *Span. Conquest of New Mexico*, pp. 185, 221, 225, 1869.

⁹ Loew (1875) in *Wheeler Surv. Rep.*, VII, p. 344, 1879.

¹⁰ Bandelier in Ritch, *N. Mex.*, p. 210, 1885.

¹¹ Bandelier, *Final Report*, pt. II, pp. 48, 58, 60, 61, 1892.

¹² *Ibid.*, pt. I, p. 123, 1890.

¹³ Hewett: *Antiquities*, p. 38, 1906; *Communautés*, p. 30, 1908.

¹⁴ R. E. Twitchell in *Santa Fe New Mexican*, Sept. 22, 1910.

¹⁵ Hodge in *Handbook Inds.*, pt. 2, 1907, 1910.

¹⁶ Oñate (1598) in *Doc. Ind.*, XVI, p. 116, 1871.

(3) Span. "Sant Gabriel."¹ "San Gabriel."² "Sant Gabriele."³

"The pueblo was voluntarily relinquished to the Spaniards under Oñate in 1598, the inhabitants joining their kindred at San Juan. In the year named the first white settlement in the West was here made, under the name 'San Francisco de los Españoles,' and on September 8 the chapel was consecrated. In the following year the name was changed to San Gabriel, which has been retained by the Mexicans as the name of the place to this day. San Gabriel was abandoned in the spring of 1605 and Santa Fé founded as the seat of the New Mexican provincial government."⁴ The older Indians of San Juan are still familiar with the name San Gabriel.⁵

[13:28] (1) Eng. Chamita settlement. (<Span.). =Span. (2).

(2) Span. Chamita, diminutive of Chama <San Juan *Tsāmqā*; see discussion under [5:7]. "The name Chamita dates from the eighteenth century, and was given in order to distinguish it from the settlements higher up on the Chama River."⁶ "Chamita."⁷ "La ville mexicaine de Chamita."⁸ The Tewa use the Mexican name only.

The name Chamita is applied definitely to the settlement [13:28]; also vaguely to the whole region about this settlement. See [5:7], [13:27], [13:31].

[13:29] Chamita warehouse or station.

[13:30] (1) San Juan *Jyng'e'oku'e* 'little hills of [13:27]' (*Jyng'e*, see [13:27]; 'oku' 'hill'; 'e diminutive). This is the old name.

(2) San Juan *Tfamitā'oku'e* 'little hills of [13:28]' (*Tfamitā*, Span. Chamita, see [13:28]; 'oku' 'hill'; 'e diminutive).

These hills are mentioned under the name first given, in a San Juan myth.

[13:31] San Juan *Tat'qykeai* 'grass shooting up height' (*ta* 'grass'; *t'qy* 'to shoot upward,' said to refer here to the slope of the land itself; *kai* 'height').

At the grassy rise known by this name Mr. Romelo de Herrera has a store. Mexicans at the place said that they include this under the name Chamita. The arroyo indicated on the map, west of the circle indicating this place, is presumably named *Tat'qykeihu'u* or *Tat'qyhu'u* (*hu'u* 'large groove' 'arroyo').

¹ Oñate (1598) in *Doc. Ind.*, xvi, p. 116, 1871.

² Shea, *Cath. Miss.*, p. 78, 1870.

³ Bandelier in *Papers Arch. Inst.*, 1, p. 19, 1888.

⁴ Hodge in *Handbook Inds.*, pt. 2, p. 1007, 1910.

⁵ For a ground plan of the ruin see Bandelier, *Final Report*, pt. II, pl. 1, fig. 10, 1892. For a description see the same work, pp. 58-63, and Hewett, *Antiquities*, No. 88, 1906. See also San Juan Pueblo under [11].

⁶ Bandelier, *Final Report*, pt. II, p. 62, note, 1892.

⁷ *Ibid.*, p. 59 et passim.

⁸ Hewett, *Communautés*, p. 80, 1908.

- [13:32] The San Juan have a special name for this locality, but the information is not available.
- [13:33] San Juan *Kwækympo* 'the railroad' (*kwækymp* 'iron' 'metal' unexplained; *po* 'trail' 'road').
- [13:34] San Juan *Kwækympokop'e* 'the railroad bridge' (*Kwækympo*, see [13:33]; *kop'e* 'bridge' 'boat' < *ko* 'to bathe', *p'e* 'stick' 'log').
- [13:35] San Juan *Afuge* 'down at the alkali point' (*q* 'alkali'; *fu'u* 'horizontally projecting point'; *ge* 'down at' 'over at').

The V-shaped alkaline meadow at the confluence of the Chama and Rio Grande rivers is called by this name. It is here that *Anpækwiyo*, the Old Salt Woman, used to dwell and give of her body to the people, according to San Juan mythology. See [29:110]. The San Juan do not gather salt from this place at the present time. The place is, indeed, very scantily supplied with alkali or salt, a fact may explain the origin of the myth, which relates that Old Salt Woman forsook the place. See [29:110], Salt, under MINERALS; cf. [13:36], [18:15].

- [13:36] San Juan *Pojege* 'down where the waters meet' (*po* 'water'; *je* 'to meet'; *ge* 'down at' 'over at').

→ This name applies to the confluence and the adjacent locality ←

As used at San Juan Pueblo it often refers especially to the fields of San Juan Indians bordering on the Rio Grande, just east of the confluence.

- [13:37] San Juan *Qwebèjegenugekai*, sometimes abbreviated to *Qwebèjegenuge* 'height of kick down together low place' (*Qwebèjegenuge*, see [13:38]; *kai* 'height').
- The wagon road leading up the Chama Valley on the north side of the river passes over this height before plunging into [13:38].
- [13:38] San Juan *Qwebèjegenuge* 'kick down together low place' (*qwebè* 'to kick an object' as in the kicking-race game; *je* 'to meet', said to refer here to the objects kicked; *ge* 'down at' 'over at'; *nu'u* below'). The name probably refers to the kicking of objects in a direction toward each other and downward at this place, in connection with the playing of some game, it is said. Cf. [13:37].

- [13:39] San Juan *Tsikq* 'basalt arroyos' (*tsi* 'basalt'; *kq* 'barranca' 'arroyo with barrancas').

These short and broken gulches extend from the mesa-cliff to the river. The place is strewn with blocks and masses of basalt. Cf. [13:1], [13:2].

- [13:40] (1) Eng. Duende settlement. (<Span.). = Span. (2).
(2) Span. Duende 'dwarf'. = Eng. (1). Why the name 'dwarf' was given is not known.

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EXHIBIT N

- San Juan Pueblo describing their crop and farming method.
 - Eight Northern Indian Pueblo 1995 Visitors Guide, San Juan Pueblo (Ohkay).